

*Agreed to by VC***H.R. 1230****AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MR. GILCHREST**

Strike all after the enacting clause and insert:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the "Detroit River Inter-
3 national Wildlife Refuge Establishment Act".

4 **SEC. 2. FINDINGS.**

5 The Congress finds the following:

6 (1) The Detroit River, one of North America's
7 greatest rivers, was created some 14,000 years ago
8 during the retreat of the Wisconsin Glacier.

9 (2) The present river channel, established when
10 falling water levels permitted erosion of the Lake
11 Plain and moraines, is a connecting channel linking
12 the Upper and Lower Great Lakes, as well as link-
13 ing the United States to Canada.

14 (3) The Lower Detroit River ecosystem is di-
15 verse with a number of distinct channels, numerous
16 shoals that support dense stands of aquatic plants,
17 and many islands. These nationally and internation-
18 ally significant habitats and ecological features at-
19 tract as many as 29 species of waterfowl and 65
20 kinds of fish.



(4) The Detroit River is a major migration corridor for fish, butterflies, raptors, and other birds, in addition to waterfowl. Over 300 species of birds have been documented in the Detroit-Windsor area, of which about 150 species breed in the immediate area.

(5) Because the Great Lakes are situated at the intersection of the Atlantic and Mississippi Flyways, the Detroit River is an important waterfowl migration corridor. 3,000,000 ducks, geese, swans, and coots migrate annually through the Great Lakes region.

(6) The importance of this corridor is recognized in the Canada-United States North American Waterfowl Management Plan that has identified the Detroit River as part of one of 34 Waterfowl Habitat Areas of Major Concern in the United States and Canada.

(7) Some 300,000 diving ducks stop in the Lower Detroit River on their fall migration from Canada to the east and south each year to rest and feed in beds of water celery found in the region.

(8) The international importance of the Lower
Detroit River area is manifested in the United



1 States congressional designation of the 460-acre Wy-
2 andotte National Wildlife Refuge.

3 (9) Canada's Canard River Marsh Complex is
4 an internationally significant waterfowl staging area
5 which is one of the main resting and feeding areas
6 for canvasbacks migrating from their nesting
7 grounds in the Canadian prairies to the East Coast.
8 Many over-winter in the area as well.

9 (10) The diversity of biota and habitats in the
10 Lower Detroit River ecosystem provides substantial
11 benefits to the over 5,000,000 people who live in the
12 vicinity. The Lower Detroit River has an inter-
13 national reputation for duck hunting. On an eco-
14 nomic basis, retail sales related to waterfowl hunting
15 in Michigan were estimated in 1991 to be
16 \$20,100,000. During the same year birding, photog-
17 raphy, and other nonconsumptive uses of waterfowl
18 contributed an additional \$192,800,000 in Michigan.

19 (11) More than 1,000,000 pleasure boats are
20 registered in Michigan and about half of those are
21 used on the Detroit River and Lake St. Clair, in
22 part to fish for the estimated 10,000,000 walleye
23 that migrate to the Detroit River each spring from
24 Lake Erie to spawn. These walleye have helped cre-
25 ate an internationally renowned sport fishery esti-

1 mated to bring in \$1,000,000 to the economy of
2 communities along the lower Detroit River each
3 spring.

4 (12) All of these natural resource values and
5 socioeconomic benefits were acclaimed when the De-
6 troit River was designated an American Heritage
7 River in 1998. The Detroit River is also a Canadian
8 Heritage River, making it the first international her-
9 itage river system in the world.

10 (13) The Detroit River has lost over 95 percent
11 of its coastal wetland habitats and despite increased
12 awareness and supporting science of their impor-
13 tance, habitats continue to be destroyed and de-
14 graded.

15 (14) Protection of remaining wildlife habitats
16 and enhancement of degraded wildlife habitats are
17 essential to sustain the quality of life enjoyed by so
18 many living along the Detroit River corridor.

19 **SEC. 3. DEFINITIONS.**

20 For purposes of this Act:

21 (1) The term "Refuge" means the Detroit
22 River International Wildlife Refuge established by
23 section 5.

24 (2) The term "Secretary" means the Secretary
25 of the Interior.

1 (3) The term "Detroit River" means those
2 lands and waters within the area described in section
3 5(a).

4 **SEC. 4. PURPOSES.**

5 The purposes for which the Refuge is established and
6 shall be managed are as follows:

7 (1) To protect the remaining high-quality fish
8 and wildlife habitats of the Detroit River before they
9 are lost to further development and to restore and
10 enhance degraded wildlife habitats associated with
11 the Detroit River.

12 (2) To assist in international efforts to con-
13 serve, enhance, and restore the native aquatic and
14 terrestrial community characteristics of the Detroit
15 River (including associated fish, wildlife, and plant
16 species) both in the United States and Canada.

17 (3) To facilitate partnerships among the United
18 States Fish and Wildlife Service, Canadian national
19 and provincial authorities, State and local govern-
20 ments, local communities in the United States and
21 in Canada, conservation organizations, and other
22 non-Federal entities to promote public awareness of
23 the resources of the Detroit River.

1 SEC. 5. ESTABLISHMENT OF REFUGE.

2 (a) BOUNDARIES.—There is hereby established the
3 Detroit River International Wildlife Refuge, consisting of
4 the lands and waters owned or managed by the Secretary
5 pursuant to this Act in the State of Michigan within the
6 area extending from the point in Michigan directly across
7 the river from northernmost point of Ojibway Shores to
8 the southern boundary of the Sterling State Park, as de-
9 picted upon a map entitled "Detroit River International
10 Wildlife Refuge Proposed", dated July 31, 2001, which
11 shall be available for inspection in appropriate offices of
12 the United States Fish and Wildlife Service.

13 (b) EXISTING REFUGE LANDS.—The Wyandotte Na-
14 tional Wildlife Refuge is hereby included within, and shall
15 be a part of, the Detroit River International Wildlife Ref-
16 uge. All references to the Wyandotte National Wildlife
17 Refuge shall hereafter be treated as references to the De-
18 troit River International Wildlife Refuge.

19 (c) BOUNDARY REVISIONS.—The Secretary may
20 make such revisions of the boundaries of the Refuge as
21 may be appropriate to carry out the purposes of the Ref-
22 uge or to facilitate the acquisition of property within the
23 Refuge.

24 (d) ACQUISITION.—The Secretary is authorized to ac-
25 quire by donation, purchase with donated or appropriated
26 funds, or exchange the lands and waters, or interests

1 therein (including conservation easements), within the
2 boundaries of the Refuge.

3 (e) TRANSFERS FROM OTHER AGENCIES.—Any Fed-
4 eral property located within the boundaries of the Refuge
5 which is under the administrative jurisdiction of another
6 department or agency of the United States may, with the
7 concurrence of the head of administering department or
8 agency, be transferred without consideration to the admin-
9 istrative jurisdiction of the Secretary for the purposes of
10 this Act.

11 (f) STUDY OF ASSOCIATED AREA.—The Secretary
12 (acting through the Director of the United States Fish
13 and Wildlife Service) shall conduct a study of fish and
14 wildlife habitat and aquatic and terrestrial communities
15 of the north reach of the Detroit River, from the northern-
16 most point of Ojibway Shores north to the mouth of Lake
17 St. Clair, for potential inclusion in the Refuge. Not later
18 than 18 months after date of enactment of the Act, the
19 Secretary shall complete such study and submit a report
20 containing the results thereof to the Congress.

21 **SEC. 6. ADMINISTRATION.**

22 (a) IN GENERAL.—The Secretary shall administer all
23 federally owned lands, waters, and interests therein that
24 are within the boundaries of the Refuge in accordance
25 with the National Wildlife Refuge System Administration

1 Act (16 U.S.C. 668dd and following) and this Act. The
2 Secretary may use such additional statutory authority as
3 may be available for the conservation of fish and wildlife,
4 and the provision of fish and wildlife dependent rec-
5 reational opportunities as the Secretary considers appro-
6 priate to carry out the purposes of this Act.

7 (b) PRIORITY USES.—In providing opportunities for
8 compatible fish and wildlife dependent recreation, the Sec-
9 retary, in accordance with paragraphs (3) and (4) of sec-
10 tion 4(a) of the National Wildlife Refuge System Adminis-
11 tration Act of 1966 (16 U.S.C. 668dd(a)), shall ensure
12 that hunting, fishing, wildlife observation and photog-
13 raphy, and environmental education and interpretation are
14 the priority public uses of the Refuge.

15 (c) COOPERATIVE AGREEMENTS REGARDING NON-
16 FEDERAL LANDS.—The Secretary is authorized to enter
17 into cooperative agreements with the State of Michigan,
18 or any political subdivision thereof, and with any other
19 person or entity for the management in a manner con-
20 sistent with this Act of lands that are owned by such
21 State, subdivision, or other person or entity and located
22 within the boundaries of the Refuge and to promote public
23 awareness of the resources of the Detroit River Inter-
24 national Wildlife Refuge and encourage public participa-
25 tion in the conservation of those resources.

1 (d) USE OF EXISTING GREENWAY AUTHORITY.—The
2 Secretary shall encourage the State of Michigan to use
3 existing authorities under the Transportation Equity Act
4 for the 21st Century (TEA-21) to provide funding for ac-
5 quisition and development of trails within the boundaries
6 of the Refuge.

7 SEC. 7. INDEMNIFICATION.

8 (a) IN GENERAL.—Whenever any person donates to
9 the United States in fee simple real property located with-
10 in the boundaries of the Refuge, if

11 (1) the State of Michigan has determined that
12 such property meets applicable State standards re-
13 garding the presence of hazardous substances, pol-
14 lutants or contaminants, or petroleum or petroleum
15 derivatives, and

16 (2) the Secretary determines, after public re-
17 view and comment, that the acquisition of such real
18 property by the United States will further the pur-
19 poses of the refuge and is otherwise in the public in-
20 terest,

21 the Secretary is authorized to hold harmless, defend, and
22 indemnify such person in full from and against any suit,
23 demand, or action, liability, judgment, cost, or fee arising
24 out of any claim or order that results from, or is in any
25 manner predicated upon, the release or threatened release

1 of, any hazardous substance, pollutant, or contaminant,
2 or petroleum or petroleum derivative on such real prop-
3 erty. Such indemnification may be provided at the same
4 time as the owner of the property donates and transfers
5 the property to the United States.

6 (b) BENEFITS AND RISKS.—In determining whether
7 indemnification under this section is in the public interest,
8 the Secretary shall consider whether the benefits to the
9 United States of acquiring the real property concerned
10 outweigh the risks associated with the known or potential
11 contamination.

12 (c) ADDITIONAL TERMS AND CONDITIONS.—The
13 Secretary may require such additional terms and condi-
14 tions in connection with granting indemnification under
15 this section as he considers appropriate to protect the in-
16 terests of the United States.

17 (d) DEFINITION.—As used in this section, the term
18 “Secretary” means the Secretary of the Interior acting
19 through the Director of the United States Fish and Wild-
20 life Service.

21 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated to the De-
23 partment of the Interior—

24 (1) such sums as may be necessary for the ac-
25 quisition of lands and waters within the Refuge;

1 (2) such sums as may be necessary for the de-
2 velopment, operation, and maintenance of the Ref-
3 uge; and

4 (3) such sums as may be necessary to carry out
5 the study under section 5(f).

